



United States Department of the Interior

NATIONAL PARK SERVICE

Glacier Bay National Park and Preserve

P.O. Box 140

Gustavus, AK 99826-0140

Tel: 907-697-2230

Fax: 907-697-2654



PREAMBLE TO THE SUPERINTENDENT'S COMPENDIUM 2006

GLACIER BAY NATIONAL PARK AND PRESERVE

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2006. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, general comments from the State of Alaska, and one individual.

GENERAL COMMENTS

Determinations

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) adopted this suggestion from the State for all Alaska parks' 2005 compendium and will continue this practice. Lengthier determinations are attached to the compendium, either in the document itself or as a separate attachment. Shorter determinations accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and Glacier Bay National Park and Preserve
2006 Compendium
Rev. 3/10/2006

the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS

2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water

The State of Alaska suggested two alternative ways of wording this entry. The NPS adopted one of the State's suggested entries.

2.10(d) Food storage – designated areas and methods

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. As an example, both Lake Clark and Kenai Fjords limited the geographical scope of the requirement in last year's compendiums. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue.

The State also requested that parks that offer Bear Resistant Containers free of charge notify the public of this in the compendium. The NPS adopted this recommendation in the 2005 compendiums.

NPCA/TWS/ACE commented that NPS regulations in 36 CFR 2.2 are inconsistent with allowing bear baiting as a lawful hunting means under state law. The NPS appreciates the comment and understands the regulations are complex, but we do not believe the enforcement of these regulations is inconsistent.

2.15(a)(1) Pets

The State of Alaska appreciates that the NPS is considering rulemaking for pet restrictions in Kenai Fjords and Glacier Bay, but generally prefers that the NPS rely on existing regulations and visitor education to protect park resources from pet impacts. The State acknowledges that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the public's desire to allow pets.

While the NPS believes that the current regulations generally give the parks adequate means to manage pets, we are hoping to adopt special regulations governing pets in Kenai Fjords and Glacier Bay.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

The State of Alaska suggested adding the existing regulatory exception to sleds towed behind a snowmobile with a rigid hitching mechanism.

The language of the compendium reflects the language in the regulation. Because the regulation expressly exempts sleds designed to be towed behind snowmobiles and joined with a rigid hitching mechanism, the NPS does not believe this addition is necessary.

3.3 Permits

The State of Alaska states their opposition to a federal permit requirement to operate watercraft on the Alsek River, expressing their contention that the river is a "state-owned navigable water body" and the NPS has not made a "finding of damage."

The National Park Service respects their position on jurisdiction but does not agree, as the navigability issue has not been determined in court, and the river permit requirement is one that has been agreed upon in the Alsek River Management Plan whose signatories include joint international managers from both the United States and Canada. The park appreciates the State's input into the Alsek River Management Plan, currently under revision, and suggestion to move this requirement to the Code of Federal Regulation. The park does not believe a finding of damage is required by regulations in 43 CFR part 36 since the NPS has not closed the Alsek River to boaters, but rather the permit is a reasonable restriction or limitation on use to protect park resources. The park does, however, agree that the permit requirement should go through rulemaking, but the park will retain the permit requirement in the compendium until a regulation is adopted.

13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

The State requested parks consider whether specific park cabins are routinely used for subsistence purposes during particular times of the year and designate those cabins.

The NPS agrees with this approach for subsistence purposes. However, parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis. Many parks may choose to manage cabins as a shared resource between subsistence and other public uses.

13.21(c) Restrictions on activities related to commercial fishing rights or privileges in the Dry Bay area

The State commented that they look forward to working with the park regarding the use of ORVs in the Dry Bay area. The NPS appreciate the support and looks forward to adopting regulations on the use of ORVs in the Dry Bay area as part of our Phase II regulations package.

13.21(e) Temporary closures to the taking of fish and wildlife

The State commented that the NPS should also reference the federal subsistence regulations in this section as they apply to Preserve lands and recommended language.

The NPS does not believe the federal subsistence regulations should be referenced under 13.21(e). We interpret 13.21(b) and (d) to apply only to the taking of fish and wildlife for other than subsistence.

13.22(c) Unattended property

The State recommended that the GLBA apply the new default property storage requirements (four month limit and fuel limit of 30 gallons) in 36 CFR 13.22 outside of Glacier Bay Proper.

Given the continual rain and runoff in Glacier Bay National Park & Preserve, and the likelihood that spilled fuel will get into water sources, the more stringent requirement for fuel storage in Glacier Bay National Park & Preserve will remain pending the rulemaking process for future special regulations. There is no foreseeable need for more than 10 gallons of fuel per user for stoves, small engines, etc, which would constitute the major need to store fuel in the park by recreational users. Should special circumstances exist, the superintendent may make exceptions to these requirements on a case by case basis.

13.49(a)(2) Restrictions on cutting live timber less than 3” in diameter

The State objected to the requirement of written or verbal permission in absence of a “clear need.” The State commented that for those areas where there is a clear need, the park should instead secure the cooperation of local residents through direct communication.

The NPS believes requiring authorization prior to harvesting timber is important for several reasons. The NPS is concerned about illegal harvest of live timber for firewood, ensuring there are sufficient resources for subsistence purposes, and preventing or minimizing impacts in sensitive areas, preventing over harvest, and ensuring natural biodegradation processes are unimpaired.

13.65(a)(2)(iii) New or expanded fisheries prohibited. List of existing fisheries and gear types

The State has requested acknowledgement of a minor harvest of groundfish with mechanical jig gear and allowed incidental catch by trollers.

The NPS appreciates the State's comments. With respect to incidental catch by trollers, the compendium already acknowledges that all authorized fisheries are subject to current state and federal regulations, which do allow for limited incidental catch by trollers.

The NPS also appreciates the State's comment on harvest of groundfish with mechanical jig gear. The existing list of allowed fisheries was established as a result of requirements set forth in Sec. 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999, and the environmental assessment and subsequent rulemaking in 1999. The park looks forward to working with the state in development of the legislatively-mandated cooperative fisheries management plan to determine issues such as whether or not additional fisheries should be included in this list.

(b)(3)(ix)(C) Rules for the safe and equitable use of Bartlett Cove waters and docks.

One individual commented that the ten day winter dock limit is safe for boaters, is potentially hard on boat engines, and is unfair since a park concessionaire is allowed to keep a boat at the Bartlett Cove Public Use Dock for the winter.

The NPS appreciates these comments. The NPS is sensitive to safety concerns and works closely with boat owners to allow vessels to remain on the dock during hazardous conditions. However, completely removing the limits for time on the dock invites abuse of this public facility which results in leaving insufficient available space on the dock, leaving inoperable or unseaworthy vessels in the park, and relieving boat owners of their responsibility to ensure their vessels are maintained in a ready state while attached to a public facility. Lastly, regarding the park concessionaire, there are separate commercial stipulations applicable that are not part of the compendium.

43 CFR 36.11(g)(1) ORV's on existing trails

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate.

The NPS continues to evaluate current ORV use in park units and access needs. Wrangells, for example, has requested funding for environmental assessments. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

**GLACIER BAY NATIONAL PARK AND PRESERVE
COMPENDIUM
2006**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Glacier Bay National Park and Preserve, Gustavus, Alaska at (907) 697-2230 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

Sledding is permitted on park roads if persons or other traffic control devices are posted to warn approaching motorists.

This restriction is intended to provide maximum safety to sledders and motorists using the park road.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)

- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Nonmotorized watercraft on the Alsek River, 3.3, 43 CFR 36.11(d), (h)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands-
 - General use and occupancy, 13.17(e)(1), (2)
 - Commercial fishing, 13.17(e)(3)
 - Subsistence-exclusive use, 13.17(e)(4)(i)
 - Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, 13.17(e)(7)
 - Cabins otherwise authorized by law, 13.17(e)(8))
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.49(a)(1)
- Commercial fishing in the marine waters of Glacier Bay National Park, 13.65(a)(3)(ii)
- Private vessels in Glacier Bay marine waters unless exempted under 13.65(b)(2)(iii), (13.65(b)(2)(i)
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters unless exempted under 13.65(b)(2)(iii), (13.65(b)(2)(ii))
- Camping in Glacier Bay Proper, 13.65(b)(8)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11(f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

Superseded by 13.20(c)(4), 13.20(d), 13.49(b), 13.65(b)(3)(ix)(C)(3).

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions

Superseded in part by 13.20(c) and 13.49(b).

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

See also 13.21(d)(5).

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure.

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks except the Bartlett Cove fuel dock.

By Coast Guard regulation, a public fuel dock may only be occupied by individuals engaged in the act of fueling. The Bartlett Cove fuel dock may only be used while fueling a vessel.

2.4 (a)(2)(i) Carrying, using, or possessing weapons at designated locations and times

Weapons and traps may not be carried or used within areas designated as in the former Glacier Bay National Monument. (Note: see 2.4(a)(3), which authorizes possession of unloaded weapons that are either inoperable or inaccessible weapons in vehicles and vessels). Superseded by 13.19(b)-(f) in the Park additions and Preserve.

The intent of this requirement is to provide maximum wildlife protection by not allowing the carrying of weapons or traps within the Park unless the weapon is broken down or made inaccessible during transport. Weapons or traps may be carried within the Preserve during times the taking of fish or wildlife is authorized by State law.

2.10(a) Camping: conditions and permits

Superseded in part by 13.18(a), 13.65(b)(3)(ix)(C)(I)(i)

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and
- Items approved by the Superintendent.

(2) Throughout the park, all food (except legally taken game) and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

For the Bartlett Cove Developed Area, see 13.65(b)(3)(ix)(C)(I)(ii)-(iii).

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor center in Bartlett Cove.

See also 13.65(b)(3)(ix)(C)(I).

2.11 Picnicking: designated areas

Superseded by 13.18(b).

2.13(a)(1) Fires: designated areas and conditions

Campfires may be lighted and maintained in the following areas:

Within 1 mile of Bartlett Cove – Unless otherwise authorized by the superintendent, fires are only allowed in the designated campground beach fire ring(s).

Within 1/2 mile of the Alsek River - Fires must be contained inside a fire pan, except at Dry Bay.

All Other Areas - Fires are allowed in backcountry areas below the high tide line, or more than one-quarter mile from marine shorelines. For the purposes of this section, *high tide* is defined as the line delineated in the intertidal area by the last high water mark of the preceding highest tide.

All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts associated with fires are minimized. The geography of the areas suitable for camping has caused repetitive use of the same campsites. The use of fire pans and constructing fires below the high tide line helps ensure that hardened campfire sites and buildup of ash piles will not occur.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the Park or Preserve in the NPS landfill or trash receptacles is prohibited unless otherwise authorized by the superintendent. This does not preclude PRIVATE boaters from using trash receptacles at the Public Use Dock.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park.

2.14(a)(5) Sanitation: designated areas for bathing and washing

No designated areas; therefore, unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets or fixtures is prohibited.

2.14(a)(7) Sanitation: designated areas for disposal of fish remains

There are no designated areas.

Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source and at least 6 inches deep.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.15(a)(1) Areas designated as closed to pets

Within the Park – Pets on leash, crated, or otherwise under physical restraint are permitted in the developed area of Bartlett Cove from the Public Use Dock area to the Park Service administration area. Pets are prohibited—

- Beyond 100 ft. of established roads or parking areas; and
- Outside the Bartlett Cove Developed Area, except in a vessel on the water.

Within the Preserve - Pets on leash, crated, or otherwise under physical restraint are permitted.

This restriction limits the free-range of pets within the park to protect wildlife and park visitors from harassment. In all areas where pets are allowed, pets must be leashed or physically restrained at all times.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited at present. Aircraft access to the Public Use Dock in Bartlett Cove is permitted. See also 13.65(b)(3)(ix)(C) regarding dock use restrictions.

2.17(c)(1) Conditions for removing downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).

Superseded by 36 CFR 13.46 for subsistence uses.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities in 2.19(a).

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited on the Fuel Dock and within 100 feet of the underground fuel storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities on and adjacent to the dock.

2.22 Property: leaving property unattended for 24 hours

Superseded by 13.22, 13.65(b)(3)(ix)(C)(2)(iii).

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

All areas are open to public assemblies with a permit from the superintendent.

2.52(e) Sale and distribution of printed matter: areas designated for such use

All areas are open to distribution with a permit from the superintendent.

2.60(a)(3) Designated areas for grazing

No areas designated for agricultural grazing of livestock in Glacier Bay National Park.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

- Commercial fishing vessels in the marine waters of Glacier Bay National Park must have a permit pursuant to (13.65(a)(3)(ii))
- Private vessels in Glacier Bay marine waters must have a permit unless exempted under 13.65(b)(2)(iii) pursuant to 13.65(b)(2)(i)
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters must have a permit unless exempted under 13.65(b)(2)(iii) pursuant to 13.65(b)(2)(ii))
- Vessels- A permit is required for non-commercial use within the Alsek River corridor above Gateway Knob between May 1 through September 30.

See also 13.65(b)(2)(i), (ii)

3.6(d)(1) Operating a vessel in excess of 5 mph or creating a wake in designated areas

Operating a vessel in excess of 5 mph or creating a wake within 300 ft. of the Bartlett Cove Public Use Dock is prohibited. (newly designated area)

Vessels operated at excessive speeds or creating wakes in proximity to the Bartlett Cove Public Use Dock create safety hazards and cause property damage to park visitors and their vessels while at the dock.

3.6(i) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations at present.

3.20(a) Water skiing: designated waters

All waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming and bathing.

3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking, and mooring areas

SCUBA diving is authorized at the Public Use Dock and in the mooring area at Bartlett Cove to inspect and repair vessels, or retrieve equipment.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

No routes or areas designated.

See also 13.21(c), 43 CFR 36.11(g).

4.11(a) Load weight and size limits: permit requirements and restrictive conditions

See 13.65(b)(3)(ix)(C)(2)(ii).

4.21(b)-(c) Speed limits: designation of a different speed limit

The speed limit in the Bartlett Cove developed area, and on the park road between Bartlett Cove and Gustavus, is 20 mph, except as otherwise posted

Road improvements (paving, grading, and engineering) which have brought the road in the developed area up to Federal Highway standards, along with an assessment period to monitor safety and traffic flow, allow the NPS to increase the speed limit 5 mph along this section of road without unduly sacrificing safety or resource protection concerns.

4.30(a) Routes designated as open to bicycles

Superseded by 13.65(b)(3)(ix)(C)(1)(iv), 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

During the Federal subsistence moose hunt in the fall, the East River Public Use Cabin at Dry Bay may be reserved by local rural residents at no charge via the NPS Office in Yakutat.

This provision allows subsistence users to share and use the East River Public Use Cabin during the federal subsistence moose hunt.

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

There is no fee for the use of the East River Cabins for subsistence purposes during the fall moose hunt. The cabin must be reserved through the NPS office in Yakutat.

13.17(e)(5)(i) Designated cabins or other structures for general public use

The East River cabin in the Preserve is designated as a public use cabin.

The East River cabin is a short-term, public use cabin.

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

A reservation and permit, available through the NPS Ranger Station in Yakutat, are required for use of the East River Public Use Cabin. An overnight public use fee will be charged for the cabin, with exception noted under § 13.17(e)(4)(i) of this compendium.

13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove all temporary facilities not under permit and all personal property. Sites must be returned to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.18(a)(1) Temporary closures and restrictions to camping

- Group size is limited to a maximum of 12 persons. The superintendent may authorize an exception for educational groups.

This restriction is also derived from the Wilderness Visitor Use Management Plan and is intended to minimize impacts on resources and other park visitors.

Alsek River— between May 1 through September 30

- Group size is limited to a maximum of 15 persons, except specific commercial groups limited to 25 persons under concession permit.

The limitation on group sizes is derived from the 1989 Alsek River Visitor Use Management Plan and is intended to minimize impacts on resources and other visitors.

- Campers may camp only one night at each of the following areas: Walker Glacier, Alsek Spit and Gateway Knob. However, campers may choose to layover one additional night at one of these areas. (4 camping nights allowed among these 3 locations.)

This restriction is intended to provide equitable public use of these very popular Alsek River campsites.

Areas Closed to Overnight Camping— between May 1 through August 15

- The landmass from Wolf Creek to a point directly east of the southern tip of Garforth Island including Puffin Island and the two unnamed islands in North Sandy Cove, and

the one unnamed island in South Sandy Cove, from sea level to any elevation is closed to overnight camping due to a high concentration of bears. (See Appendix B) *This restriction is intended to minimize conflicts between backcountry campers and bears in an area habitually used and important to bear. The restriction on overnight camping does not preclude day use of this area for hiking and other activities.*

- The landmass between Margerie Glacier and Toyatte Glacier from sea level to any elevation is closed to overnight camping to all campers other than an organized group of 10-12 with an experienced wilderness leader with experience camping in bear country unless otherwise authorized by the superintendent due to a history of bear/human incidents. (See Appendix B)

This restriction is intended to minimize conflicts between backcountry campers and bears in an area habitually used and important to bear. The restriction on overnight camping does not preclude day use of this area for hiking and other activities. The allowance for an organized group with an experienced wilderness leader is intended to verify if the closure in the past has had an impact on the bear behavior. Large groups have experienced less bear encounters than smaller groups camping in bear frequented areas.

13.18(a)(2) Site time limits: authorization to exceed 14 day limit at one location

See also 13.65(b)(8).

13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions

See also 13.65(b)(3)(ix)(C)(1)

13.18(b) Picnicking-areas where prohibited or otherwise restricted

No restrictions at present.

13.19(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions.

See also 2.4(a)(2)(i) for the former Glacier Bay National Monument.

13.20(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas or conditions at present.

13.20(f)(1) Natural features: size and quantity restrictions for collection

No restrictions at present.

13.20(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

13.21(c) Restrictions on activities related to commercial fishing rights or privileges in the Dry Bay area

In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix C and on existing trails to and from gill net sites. See also 43 CFR 36.11(g)(2).

13.21(e) Temporary closures or restrictions to the taking of fish and wildlife

No closures at present where hunting is authorized. See applicable State of Alaska hunting regulations. Hunting is prohibited in Glacier Bay National Park.

13.22(b)(1)-(6) Exceptions to unattended or abandoned property

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

13.22(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

- Caches left for more than 30 days will be considered abandoned and may be removed or impounded by Park Rangers. A Special Use Permit may be requested from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 30 days. All such requests must be made in writing to the Superintendent at Glacier Bay National Park & Preserve, P.O. Box 140, Gustavus, AK 99664.
 - *Experience indicates that caches older than 30 days are usually abandoned. This restriction is intended to limit abandonment of personal property in the park and impacts to resources and other park users. Provisions are provided for longer-term storage of gear where warranted with permission of the Superintendent. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.*
- Fuel caches will be limited to one location, and may contain no more than 10 gallons of fuel or any combination of fuel types.
- Parking.
 - Main parking lot: Leaving vehicles, trailers, or other property unattended longer than 24 hours in the main parking lot adjacent to the Bartlett Cove Public Use dock is prohibited.
 - Upper lot and overflow lots: Leaving vehicles, trailers, or other property unattended longer than 14 days in the upper parking lot above the park fuel dock or in the overflow lot near the park housing area is prohibited.
 - Vehicles, trailers, or other property must be removed from the parking lots for at least 12 hours between parking limit periods.
- Personal kayaks and boats may not be left unattended on beaches within the Bartlett Cove Developed Area outside of designated areas. The designated areas are: above the intertidal area on provided racks beneath the fuel dock, or within 150 yards of the administrative dock.

The small sandy beach located between the Public Use Dock and the boat launch ramp is considered ceremonial by the Huna Tlingit, and carries significant cultural importance to the native community. Out of respect for the wishes of the original people of Glacier Bay, the NPS is requiring storage of kayaks and other vessels be moved from this beach to a nearby location which does not conflict with this need. Designated locations for kayak and small boat storage in the Bartlett Cove Developed Area are necessary to maintain the visual aesthetic values of this highly visited area, and to prevent proliferation of small craft scattered all along the shoreline which impedes wildlife and human foot traffic, and damages vegetation.

13.30(h) Facility closures and restrictions

No restrictions at present.

SUBPART B – SUBSISTENCE

13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.49(a)(1) Permit specifications for harvesting live standing timber greater than 3” diameter for subsistence purposes (house logs & firewood)

Cutting of live standing trees greater than 3” in the Park is prohibited. The superintendent may allow subsistence harvest of live standing trees greater than 3” in the Preserve subject to the terms and conditions of a permit issued by the superintendent.

13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

Cutting of live timber is not authorized within the Park. Verbal or written permission from a park ranger is required to cut live timber less than 3" in diameter in the Preserve, except as necessary to clear designated vehicle routes and airstrips.

SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS

13.65 Glacier Bay National Park and Preserve Special Regulations

(a)(2)(iii) New or expanded fisheries prohibited. List of existing fisheries and gear types for the park’s outer waters:

- King Crab, Pot
- Tanner Crab, Pot and Ring
- Dungeness Crab, Pot
- Weathervane Scallop, Dredge
- Shrimp, Pot
- Pacific Salmon, Troll
- Chum Salmon, Purse Seine
- Pacific Halibut, Longline
- Groundfish, Dinglebar and Longline

The commercial fisheries listed above are those fisheries which have, at the time of the 1998 legislation regarding commercial fishing in the park (P.L. 105-277), been established legally in outside waters. All fisheries are subject to current state and Federal regulations and emergency closures, which should be referred to prior to engaging in any fishery in Glacier Bay National Park & Preserve.

(a)(2)(iv) Maps and charts showing marine waters of Glacier Bay that are closed to commercial fishing

See Appendix D.

(b)(2)(i)(A) Private vessel: how to obtain permits, designated contact for entry and exit, designated anchorages, maximum length of stay, other appropriate conditions

Obtaining Private Vessel Permits

Private motor vessel permits are only required for Glacier Bay proper, and only for the months of June, July, August. The following procedures and conditions apply to the issuance and use of private motor vessel entry permits:

- Permits may be obtained via telephone (907-697-2627), marine band radio (KWM20Bartlett Cove), by mail or in person at Glacier Bay headquarters at Bartlett Cove.
- Permits may be reserved up to 60 days in advance of an entry and are issued on a first received priority basis.
- Permits must be confirmed within 48 hours of the scheduled entry. Permits not confirmed by 10:00 a.m. on the date of entry, will be canceled and made available for reissue.
- Three of the daily 25 maximum permitted vessels, are reserved for local private vessels; these are restricted to residents of the Icy Straits/Cross Sound area, including the communities of Elfin Cove, Excursion Inlet, Gustavus, Hoonah, Pelican. These permits will be valid for any 7 use days, not necessarily consecutive ones, and may be issued up to 48 hours in advance.

Administration of Private Permits

- June 1 - August 31, the following schedule will generally be used to allocate daily vessel entries within Glacier Bay proper:

June 1 - 10: 3 entries per day

June 11 – August 2: 6 entries per day

August 3 - 15: 5 entries per day

August 16 - 31: 3 entries per day

The above allocations are necessary to ensure entry permits (limited in total number by NPS regulation) are available for visitor use throughout the June – August permit season. Park staff may vary the daily entry numbers to maximize opportunities for public access, consistent with allowable use day and season entry limits.

Unused daily entries will be carried forward and issued.

- All private vessel entries will be allocated in a manner that will prevent the maximum daily presence of more than 36 motorized vessels of all types in Glacier Bay on any given day.
- The total number of private vessel entries will not exceed 468 for the period June 1 – August 31.
No more than 25 private motor vessels will be permitted on any day.
- The total number of vessel use days will be limited to 1,971 for the period June 1 to August 31.
- A private boater may apply for and hold up to 2 permits at one time. However, a

second private vessel permit will not be issued during the peak boater use period, June 11–August 2.

The intent of this limitation is to ensure first time visitors are provided a priority opportunity for a Glacier Bay entry permit over returning visitors during the period of highest demand.

Length of Stay

- Private motor vessels that entered Glacier Bay prior to June 1 may remain in the Bay until June 6 without an entry permit, however the vessel use days will be counted toward the allowable vessel use day total.
- Permits are valid for up to 7 consecutive days. An extension permit may be requested and issued for an additional 7 days, provided days are available. Request for an extension permit must be made between 8:00 AM and 7:00 PM on the last day of the initial permit.
- If an extension permit is unavailable, a vessel may remain anchored for up to seven additional days without motorized operation at Blue Mouse Cove, Sandy Cove, or Bartlett Cove. If the vessel leaves an anchorage without obtaining an extension permit it must proceed directly out of the Bay. After using an extension, a vessel must leave the bay for at least 7 days prior to applying for another vessel permit.

Notification Requirements Upon Entry/Departure

- Motor vessel operators are required to notify park headquarters by telephone (907-697-2627) or marine band radio (KWM20 Bartlett Cove on Channels 12 or 16) prior to entering or departing Glacier Bay.

This requirement allows NPS to track the number of vessel permits in Glacier Bay each day and reallocate available permits when boaters fail to arrive or depart early.

(b)(3)(ix)(A) Other restrictions for the protection of wildlife.

No restrictions at present.

See 13.18(a)(1) for areas closed to camping.

(b)(3)(ix)(C) Rules for the safe and equitable use of Bartlett Cove waters and docks.

The following use restrictions are for the safe and equitable use of park facilities:

January 1 - December 31

- Dock space on the Public Use Dock is assigned for use by private vessels, NPS vessels, Glacier Bay Lodge, Inc. vessels, and aircraft as depicted in Appendix A. Parking in a space otherwise reserved is prohibited.
- Residing on a vessel within Bartlett Cove for more than fourteen days is prohibited unless otherwise authorized by the superintendent.

Bartlett Cove Waters

- The discharge of “blackwater” (water contaminated with human waste) is prohibited in Bartlett Cove waters.

This requirement is to limit the discharge of human waste that might complicate the water quality monitoring by the park.

- The placement of temporary moorings is authorized to the north or east of the Public Use Dock, provided they are at least one-quarter mile from the dock. These moorings must meet applicable marking requirements, may not be installed prior to April 1, and must be removed by November 1 in a given calendar year. Contact must be made with the Protection Ranger prior to placement of a mooring and Mooring Buoy Agreement signed.
These limitations are necessary to ensure that fixed moorings not preempt the most convenient anchorage locations or impede access to the dock, are properly tended, and are temporary rather than permanent fixtures.
- Anchoring vessels within 300 ft. of the Public Use Dock is prohibited. The No Anchor Zone is depicted in Appendix A of this compendium. The placement of buoys, markers, or lines (including fishing gear) is authorized to the north or east of the Public Use Dock, provided they are at least one-quarter mile from the dock.
This limitation is necessary to ensure adequate room for safe maneuvering of vessels and aircraft accessing and departing from the Public Use Dock.
- Anchoring in the inner lagoon area is limited to 7 consecutive days unless otherwise authorized by a park ranger.
The inner lagoon is known and used by local residents as a storm anchorage. These limitations are intended to accommodate short-term use of the lagoon, which is limited in size, but preclude long-term use that limits opportunity for use by other visitors or local residents.
- No buoys or lines may be placed inside the inner lagoon unless otherwise authorized by a park ranger.
This limitation is intended to ensure clear and safe passage for all vessels transiting the inner lagoon, and availability of the lagoon for temporary storm anchorage use.

May 1 - September 15

- Vessels may dock at the Public Use Dock for a maximum of three hours in any 24-hour period, unless otherwise authorized by a park ranger.
This provides flexibility to allow longer docking periods on a space available basis to complete boat repairs, etc.
- Vessels less than 10 ft. in length, used exclusively as a dinghy for transportation between a boat and the dock, may dock in the designated dinghy area (see Appendix A)."
This allows overnight docking of small vessels (<10') commonly used as tenders for larger vessels.
- Trailers specifically designed for transport of kayaks and canoes are allowed on the dock when authorized by a park ranger. However, when backing, the trailers must be detached from the tow vehicle and backed by hand. All other trailers and commercial passenger-carrying vehicles (such as B&B vans, taxis and buses) are prohibited from driving onto the dock unless authorized by a park ranger.
- A park ranger may authorize temporary public use of the Administrative Dock on a space available basis. Use will be limited to 3 consecutive days during the peak use season, May 1 - September 30, and 7 consecutive days the remainder of the calendar year.

This accommodates visitor and local resident use of the administrative dock for repairs, etc., on a space available basis.

Sept. 16 – April 30

- Vessels may tie up to the Public Use Dock for up to ten consecutive days. Vessels must leave the dock for at least one 24 hr. period for each period of 10 consecutive days. All vessels tying up to the dock must register with a park ranger on the initial day of each docking period.

This relaxation of summer docking limits allows for more flexible use of the dock during the winter season when weather is inclement and vessel movement is more difficult, yet still prevents long term storage of vessels on the public dock.

(b)(3)(ix)(C)(1)(ii) Bartlett Cove Developed Area (BCDA): designated areas for cooking, consuming, and preparing food in the Bartlett Cove Campground

Food will be cooked, prepared and consumed in the intertidal zone adjacent to the campground.

(b)(3)(ix)(C)(1)(iii) Bartlett Cove Developed Area (BCDA): designated areas for food storage in the Bartlett Cove Campground

Marked food storage caches are located in the Bartlett Cove Campground

(b)(3)(ix)(C)(1)(v) Bartlett Cove Developed Area (BCDA): closures and restrictions

No closures or restrictions at this time.

(b)(3)(ix)(C)(2)(ii)-(viii) Bartlett Cove Public Use Dock

Exceptions are made on a case by case basis. Contact park headquarters for more information.

(b)(7) Conditions for collecting goat hair

Goat hair may be collected for cultural purposes with written authorization from the superintendent.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

No closures at present.

See also 2.18.

36.11(d) Temporary closures to the use of motorboats

The use of motorized boats is prohibited on the Alsek River at Alsek Lake above Gateway Knob between April 1 through October 31 in accordance with the approved Alsek River Visitor Use Management Plan (1989).

This restriction is to ensure the wilderness experience of visitors rafting the Alsek River is minimally disrupted by powerboats. Congress directed that the Alsek River corridor be managed to preserve its outstanding wilderness characteristics.

See also 3.3, 3.6, and 13.65(b)(2).

36.11(e) Temporary closures to the use of non-motorized surface transportation

Vessels- A permit is required for non-commercial use within the Alsek River corridor above Gateway Knob between May 1 through September 30.

This requirement is necessary to manage public use of the Alsek River corridor in accordance with the Alsek River Visitor Use Management Plan (1989). The Plan seeks to manage use for no more than one party initiating travel within the river corridor each day. This use level would be exceeded without the current permit and management system. Permits for the Alsek River can be obtained by contacting the NPS office in Yakutat, Alaska, phone (907) 784-3370.

See also 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix C and on existing trails to and from gill net sites.

Please see the attached appendices for maps and/or more extensive determinations below.

This compendium is approved and rescinds all previous compendiums issued for Glacier Bay National Park and Preserve.

/s/ Tomie Patrick Lee
Superintendent

Date

List of Attachments

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.65 (b)(3)(ix)(C)

Appendix B: Areas Closed to Overnight Camping, 13.30(d)(2)

Appendix C: Areas Open to ATVs, 13.21(c), 43 CFR 36.11(g)(1)

Appendix D: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing

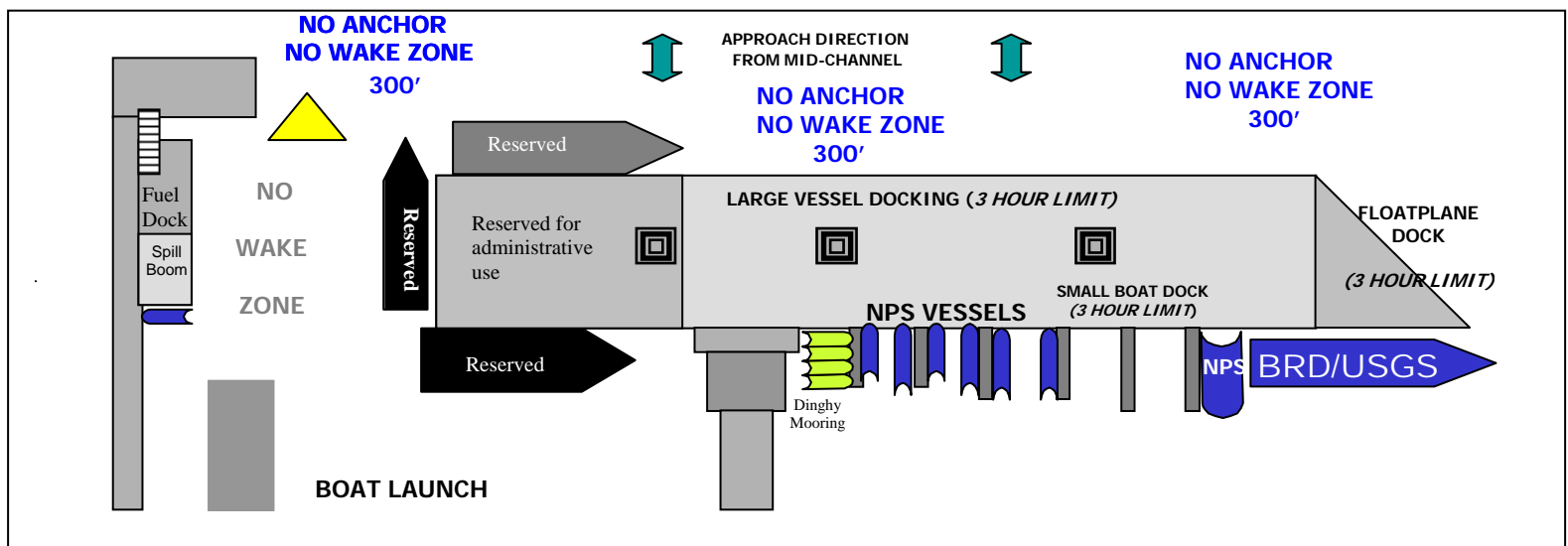
Appendix E: 2.10 Food Storage Determination

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.65 (b)(3)(ix)(C)

Rules for the safe and equitable use of Bartlett Cove waters and docks: Bartlett Cove Public Use Dock.

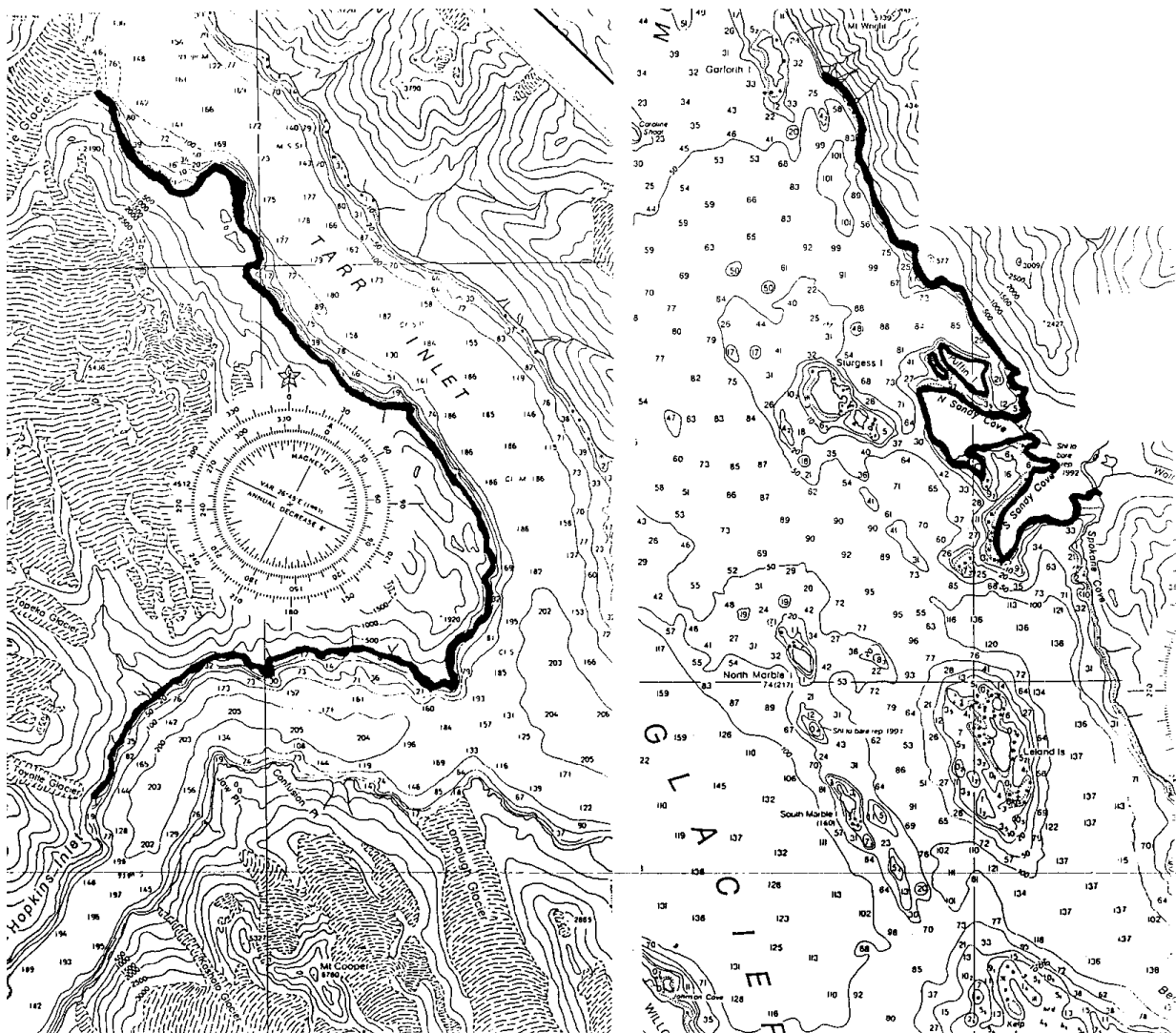
GUIDE TO DOCKING

Bartlett Cove Public Use Dock



Appendix B, Areas Closed to Overnight Camping, 13.30(d)(2)

- The landmass between Margerie Glacier and Toyatte Glacier from sea level to any elevation is closed to overnight camping unless otherwise authorized by the superintendent due to a history of bear/human incidents, May 1 - August 15. (See Appendix B)
- The landmass from Wolf Creek to a point directly east of the southern tip of Garforth Island including Puffin Island and the two unnamed islands in North Sandy Cove, and the one unnamed island in South Sandy Cove, from sea level to any elevation is closed to overnight camping due to a high concentration of bears, May 1 - August 15.



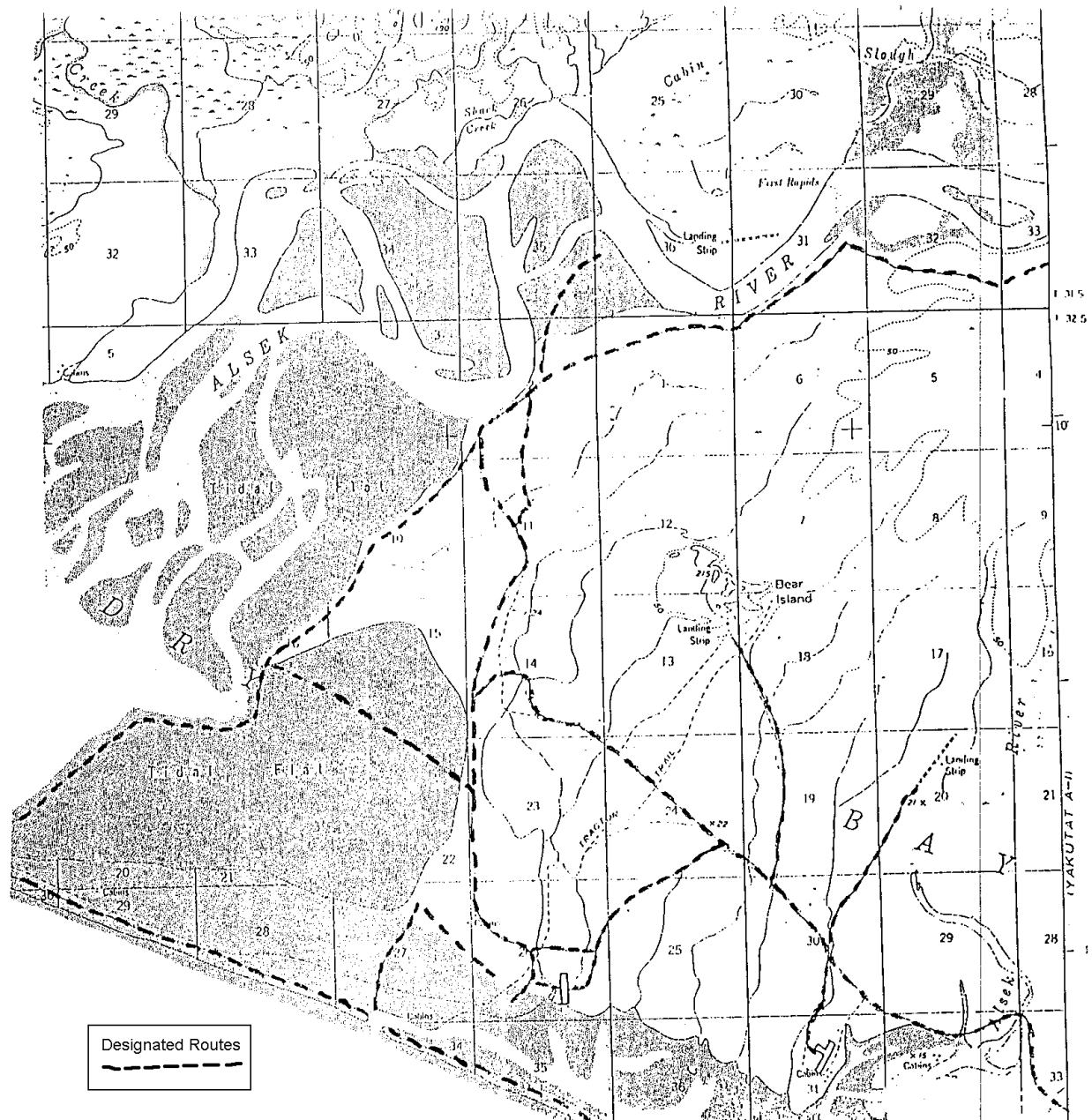
Appendix C, Areas open to ATVs, 43 CFR 36.11(g)(1), 36 CFR 13.21(c)

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

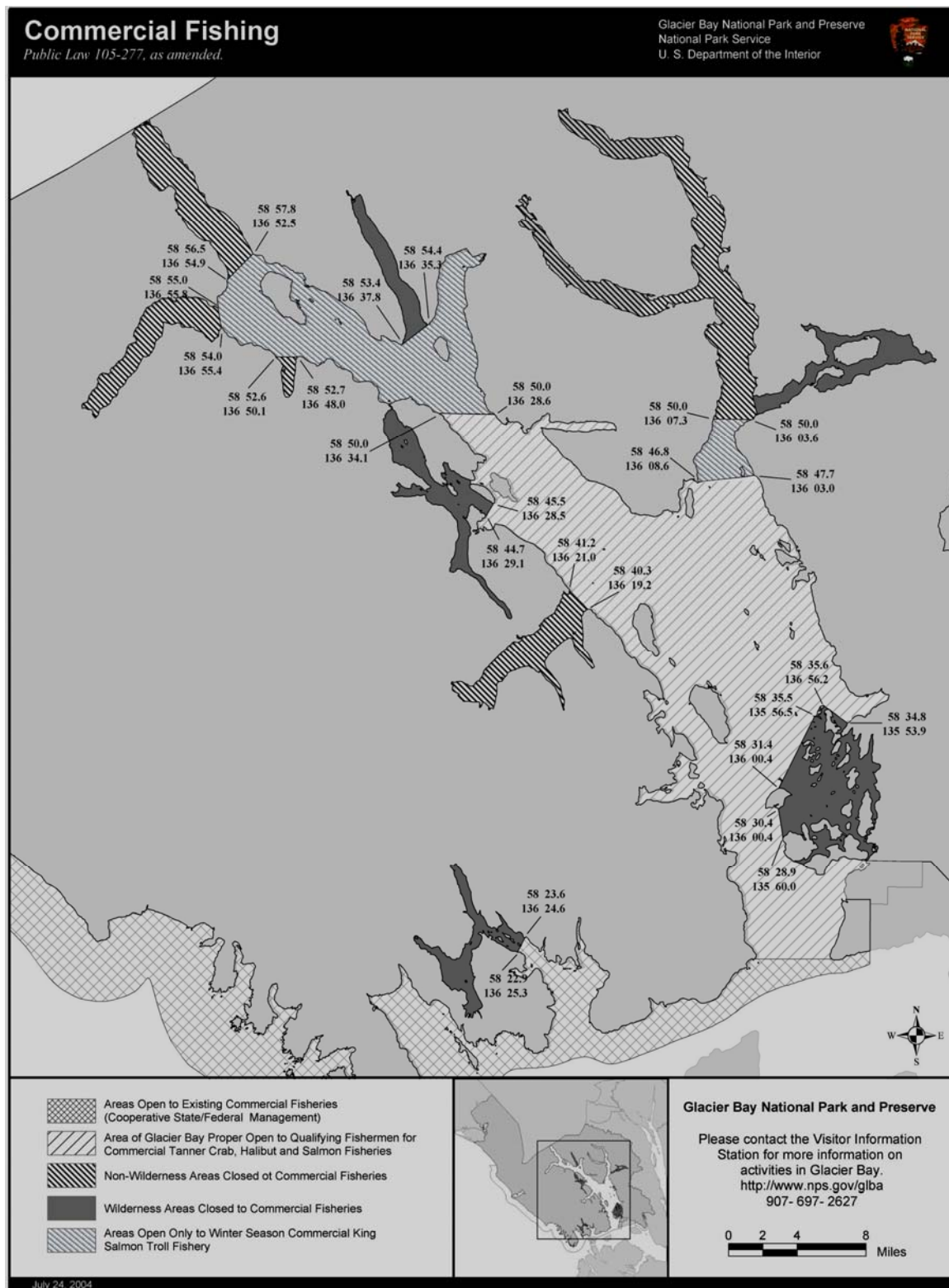
In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix C and on existing trails to and from gill net sites.

ANILCA § 205 Use of ATVs associated with commercial fishing

ATV use for commercial fishing purposes are allowed inside the boundary of the designated Temporary Fish Camp Zone identified on the map below.



Appendix D: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing, 13.65 (a)(10)



March 9, 2005

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 2.10 (d), the Superintendent of Glacier Bay National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in the environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:

- Park supplied bear resistant food storage containers (BRFC) are available at park headquarters.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.
 4. The food storage conditions imposed under this section allow for a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
 5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84-5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
 - If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

Signed:

Tomie Patrick Lee
Superintendent

March 15, 2006

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Unattended vehicles, trailers, boats, and other property at Bartlett Cove parking lots

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.22(c), the Superintendent of Glacier Bay National Park and Preserve has determined that time limit are necessary to allocate the limited parking spaces in Bartlett Cove.

The reasons for this restriction are as follows:

- On several occasions this past summer, the upper parking lot above the fuel dock was full with vehicles, trailers, boats and other unattended private property. Some of this property was being stored in the park, and was not moved for weeks or months at a time. Or, in the case of boats on trailers, were used occasionally in the bay but sat in the parking lot for extensive periods when not being used. Public parking space is extremely limited in Bartlett Cove and there is simply not enough space to accommodate long term storage of boats, vehicles, or other private property. Further, long term storage of private property is not appropriate in a heavily used area that fills to capacity during the main part of the summer. This lot generally has a high turnover rate with cars coming and going in this area. Individuals who go on extended trips into Glacier Bay (up to 14 days) may leave their vehicles and trailers at the upper lot and overflow lot.

The reasons less restrictive measures will not be effective are as follows:

- Allowing individuals to leave property unattended for longer periods at the main parking lot would preclude short term day users from finding suitable parking space in proximity to the dock area.
- Current regulations are unclear regarding how long vehicles or boat trailers (with or without boats) may be left in the parking lots.
- A clear guideline in the form of regulation is needed to establish how long a period is appropriate to be able to leave a vehicle or boat trailer in the park. The agency does recognize that some users conduct multi-day recreational or commercial trips out in the bay, and may have the need to leave something parked in the lot for more than a day. However, the 14 days should accommodate the vast majority of multi-day users.

Signed:

Tomie Patrick Lee
Superintendent